## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

D'ANGELO JENKINS	]	
Plaintiff,	]	
	]	
<b>v.</b>	]	No. 3:09-0896
	]	Judge Echols
CORRECTIONS OFFICER LOWELY	]	
JONES III, et al.	]	
Defendants.	1	

## ORDER

The plaintiff is an inmate at the Morgan County Correctional Complex in Wartburg, Tennessee. In September 2009, he submitted a § 1983 civil rights complaint (Docket Entry No. 1) and an application to proceed in forma pauperis (Docket Entry No. 2).

The plaintiff had, on at least three prior occasions, filed actions in federal court which were dismissed as being either frivolous or for failure to state a claim. Because there was no suggestion of any imminent danger of serious physical injury, plaintiff's application to proceed in forma pauperis was denied. 28 U.S.C. § 1915(g).

In an Order (Docket Entry No. 12) entered November 16, 2009, the plaintiff was granted thirty (30) days in which to pay the full filing fee of three hundred fifty dollars (\$350.00). He was forewarned that, in the event he failed to pay the filing fee, it would be assessed against him, the assessment would be collected from his inmate trust account, and this action would be dismissed. In re Alea, 286 F.3d 378, 382 (6<sup>th</sup> Cir. 2002).

The thirty-day period has expired and the plaintiff has not yet complied with the instructions of the Court by paying the filing fee. Accordingly, the plaintiff is herewith ASSESSED the civil

filing fee of \$350.00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the plaintiff's

inmate trust account at the institution where he now resides is directed to submit to the Clerk of

Court, as an initial partial payment, whichever is greater of:

(a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust

account; or

(b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust

account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding

monthly income (or income credited to the plaintiff's trust account for the preceding month), but

only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee has been paid

to the Clerk of Court. 28 U.S.C. § 1915(b)(2).

This action is hereby DISMISSED for failure to comply with the instructions of the Court

and for want of prosecution. The Clerk is directed to send a copy of this Order to the Warden of the

Morgan County Correctional Complex to insure that the custodian of plaintiff's inmate trust account

complies with that portion of the Prison Litigation Reform Act relating to the payment of the filing

fee.

Entry of this Order shall constitute the final judgment in this case.

It is so ORDERED.

Robert L. Echols

United States District Judge

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